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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,511	05/17/2007	Peter Geiger	GEIGER-9 PCT	4648
25889	7590	06/24/2011		
COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			EXAMINER BUTLER, PATRICK NEAL	
			ART UNIT	PAPER NUMBER
			1742	
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			06/24/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/586,511

**Applicant(s)**

GEIGER, PETER

**Examiner**

PATRICK BUTLER

**Art Unit**

1742

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 March 2011.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 8-10 is/are pending in the application.  
4a) Of the above claim(s) 8-10 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-912)  
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bartlett (US Patent No. 848,955) in view of Montorsi (EP 1 319 485 A2), Graham (US Patent Application Publication No. US 2003/0055525 A1), and Ruegner et al. (DE 29 34 838 A1, translation relied upon for text citation).

With respect to Claim 1, Bartlett teaches making concrete bricks using angular members of central portion 12, end portions 13 and 13, and flanges 14 and flat mold members 17 attached to a holder of base 18 and frame 19 (a method for producing concrete blocks, wherein a number of individually selectable separate molds are attachable to a base frame) (see figs. 3 and 4 and page 1 of text, lines 36-53 and 82-92). Bartlett teaches assembling the angular members and flat mold members 17 in the holder (fitting of the base frame with a number of selected separate molds) (see page 1 of text, lines 82-92) and compacting the mold members in place while allowing for the subsequent removal of the mold members from the holder (establishing a detachable connection between the separate molds and the base frame to arrest the separate molds; a number of separate molds being detachably attached to the interior of the outer frame) (see page 1 of text, lines 105-108 and page 1 of text, line 112 through

page 2 of text, line 6). Bartlett teaches the angular members and flat mold members 17 are within the holder (the base frame is formed as an outer frame) (see page 1 of text, lines 82-92). Bartlett teaches inserting concrete in the mold cavities until it has hardened for removal (filling the separate molds with liquid concrete material; removing the cured concrete blocks from the separate molds) (see page 1 of text, lines 108-112) and removing the mold members from the holder (separating the separate molds from the base mold) (see page 1 of text, line 112 through page 2 of text, line 6).

Bartlett does not appear to expressly teach different separate molds being kept in a storage area.

Montorsi teaches making multiple elements in a single mold with interchangeable inserts 13 (see fig. 1, [0004], [0006], and [0008]). The mold components are stored (a range of different separate molds are kept in a storage area; separate molds are separated from the base frame and returned to the storage area after use) (see [0022]-[0024]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use interchangeable stored inserts as taught by Montorsi in Bartlett's process of making bricks in order to provide a variety of thicknesses, profiles, and shapes (see Montorsi, [0004], [0006], and [0022]-[0024]).

Bartlett does not appear to expressly teach that stored components are moved via an automatic removal device.

Graham teaches staged (stored) molds being moved via a robot controlled by a computer system (individually selectable separate molds being taken using an

automatic removal device from the storage area to the base frame for fitting) (see [0017]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an automated system as taught by Graham to move the molds of Bartlett in order to minimize production costs and maximize efficiency and output (see Graham, [0003]).

Although Bartlett teaches compacting the mold members in place while allowing for the subsequent removal of the mold members from the holder (establishing a detachable connection between the separate molds and the base frame to arrest the separate molds; a number of separate molds being detachably attached to the interior of the outer frame) (see page 1 of text, lines 105-108 and page 1 of text, line 112 through page 2 of text, line 6) and Montorsi teaches a single mold with interchangeable inserts 13 fixed by screws 21 and counterscrews 22 (see fig. 1, [0004], [0006], [0008], and [0010]), Bartlett does not appear to expressly teach the base frame having separating locations for opening and the separate molds have pins pushable into openings of neighboring separate molds or of the base frame.

Ruegner teaches single forms 2 having fastening screws 10 and a framework 3 for the single forms 2 which has screw throughholes 9 (base frame has separating locations for opening and the separate molds have pins pushable into openings of neighboring separate molds or of the base frame) (see figs. 2 and 3 and text translation).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Ruegner's teaching fastening screws to connect the single forms to the framework in Bartlett's method using base, frame, and mold members in order to allow the mold members to be secured to the base (see Ruegner, fig. 2).

***Response to Arguments***

Applicant's arguments filed 29 March 2011 have been fully considered, but they are not persuasive.

Applicant argues with respect to the 35 U.S.C. §§ 102(b) and 103(a) rejections. Applicant's arguments appear to be on the grounds that:

1) Applicant's claims as combined and amended include the newly amended limitation of having separating locations for opening and the separate molds have pins pushable into openings of neighboring separate molds or of the base frame which is not taught by the references as applied.

The Applicant's arguments are addressed as follows:

1) Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection incorporating Ruegner as necessitated by the combination of previous claims and the newly claimed limitation.

1) Specifically Ruegner teaches the newly claimed limitation as recited above:

Ruegner teaches single forms 2 having fastening screws 10 and a framework 3 for the single forms 2 which has screw throughholes 9 (base frame has separating locations for opening and the separate molds have pins pushable

into openings of neighboring separate molds or of the base frame) (see figs. 2 and 3 and text translation).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK BUTLER whose telephone number is (571)272-8517. The examiner can normally be reached on Mon.-Thu. 7:30 a.m.-5 p.m. and alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on (571) 272-1176. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. B./  
Examiner, Art Unit 1742

/Richard Crispino/  
Supervisory Patent Examiner, Art Unit 1747